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Timothy Orr Knight

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/945,184

Applicant(s)

KNIGHT, TIMOTHY ORR

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on MAY 24, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 121-124, 126-129, 132-144, 146 and 147 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 121-124, 126-129 & 132-144, 146-147 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>no new IDS</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 112***

In view of the applicants amendments the 112 rejections is hereby withdrawn.

***Claim Rejections - 35 USC § 101***

In view of the applicants amendments the 101 rejections is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner withdraws the rejection of claims 121-144 under 35 USC 102.

***Claim Rejections - 35 USC § 103***

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 121-124, 126-129 & 132-144 & 146-147 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 121-124, 126-129, 132-134, 139-144 & 147 are rejected under 35 U.S.C. 102(b) as being anticipated by Trojan et al. (U.S. Patent 5,297,032) in view of Lozman (U.S. Patent 5,689,651).

**Re claim 121:** Trojan discloses:

A stock trading workstation, which is capable of:

receive the following information for use by the program to create a stock transaction record [see Torjan, Figure 4]

- (i) an identification of an item with a transaction [see Torjan, Figure 4, item 440]; and transaction interface configured to store transaction record that identifies the placement of first subjective information parameter along the range relative to the placement of the second subjective information parameter. [see Trojan, Figure 4, item 450]

Although Torjan does not have first & second subjective information/symbol, Lozman claims “first & second subjective information/symbol” (see Lozman, abstract, the examiner is interpretation the symbol to be subjective information by definition of subjective information it could be anything the user defines it to be.)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add first & second subjective information/symbol as taught in Lozman to Torjan.

It is clear that one would be motivated to increase efficiency of a stock trader.

**Re claim 122:** Trojan discloses:

The workstation, which is capable of providing:

the feedback interface configured to provide transaction record from a plurality of transaction records [See Trojan, Figure 4, item 435]

**Re claim 123:** Trojan discloses:

The workstation, which is capable of providing:

Items include equity, and configured to receive calculation of a financial performance associated with one or more stored stock transaction records. [See Trojan, Fig 4, item 410 an input device is capable of storing such information]

**Re claim 124:** Trojan discloses:

The workstation, which is capable of providing:

The item includes equity and the transaction record is retrievable based on a financial performance of equity. [See Trojan, Fig 4, item 410 an input device is capable of receiving such information]

**Re claim 126:** Trojan discloses:

The workstation, which is capable of providing:

the feedback interface configured to provide indicator associated with a course of action to the user for future transaction based on the transaction record. [see Trojan, Figure 4, item 450, the Examiner is interpreting the claim as a system is capable of providing any feedback and item 450 is a feedback loop]

**Re claim 127:** Trojan discloses:

The workstation, which is capable of providing:

First subjective information parameter is associated with a drag and drop element for the placement of the first subjective information parameter along the range. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information. Also note “drag and drop” is a design choice by the applicant.]

**Re claim 128:** Trojan discloses:

The workstation, which is capable of providing:

the user can rank one or more of said items of information when creating the user transaction information for the stock related transaction to identify particular factors motivating the stock related transaction. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 129:** Trojan discloses:

The workstation, which is capable of providing:

Item includes an equity and first subjective information parameter associated with the first rationale for engaging in transaction comprising at least one of the following items of information for said one or more stored stock transaction records: (a) user-subjective rationale; (b) technical indicator; (c) third party opinion; (d) and/or source of said subjective rationale. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 132:** Trojan discloses:

The workstation, which is capable of providing:

Implementation in Java programming language and executable from a website by an internet user within said Internet browser. [See Trojan, Column 4, item 56 on-line database]

**Re claim 133:** Trojan discloses:

The workstation, which is capable of providing:

said stock related transaction record can be modified at a later time to include additional secondary user transaction information, including new insights, understandings and/or lessons learned by said user from said stock related transaction. [Trojan's system can be re-run at a later time with new information.]

**Re claim 134:** Trojan discloses:

The workstation, which is capable of providing:  
a stock related transaction record further receive a purchase/sale price associated with said stock related transaction. [See Trojan, Fig 4, item 410 an input device is capable of receiving such information]

**Re claim 139:** Trojan discloses:

A method:

Entering an ID [see Trojan, Figure 4, item 440];

Storing the placement [See Trojan, Fig 4, item 410]

Although Trojan does not have first & second subjective information/symbol, Lozman claims “first & second subjective information/symbol” (see Lozman, abstract, the examiner is interpretation the symbol to be subjective information by definition of subjective information it could be anything the user defines it to be. In addition, see Lozman, Figure 3 for the placement along a range.)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add first & second subjective information/symbol as taught in Lozman to Trojan.

**Re claim 140:** Trojan discloses:

The workstation, which is capable of providing:

a first stock transaction record and said second stock transaction record are retrieved within a query interface operable within said Internet browser based on specifying a particular user, and/or a predefined user-subjective rationale, and/or a predefined technical indicator, and/or a predefined third party opinion, and/or a predefined source of said subjective rationale, said

technical indicator, and/or said third party opinion. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 141:** Trojan discloses:

The workstation, which is capable of providing:

a first stock transaction record represents a closed position and also includes: (iv) a sale date for said stock associated with a sale of said stock; and (v) a sale price associated with said sale of said stock. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 142:** Trojan discloses:

The workstation, which is capable of providing:

items of information for engaging in said purchase of said stock can be ranked by said user. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 143:** Trojan discloses:

The workstation, which is capable of providing:

lessons and/or understandings associated with said first stock transaction record can be ranked by said user. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 144:** Trojan discloses:

The workstation, which is capable of providing:

lessons and/or understandings include options for specifying a usefulness of a user-subjective rationale, and/or a technical indicator, and/or a third party opinion, and/or a source of said



subjective rationale, said technical indicator, and/or said third party opinion. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 147:** Trojan discloses:

Placing a first subjective information along a range comprises:

Placing the first subjective information parameter associated with the first rationale for engaging in transaction along the range, first subjective information parameter associated with the first rationale for engaging in transaction comprise reason, motivation, or basis for engaging in transaction. [See Trojan, Figure 4, item 435, the Examiner is interpreting the claim as a system is capable of allowing the above user input and item 435 is user input]

**IN VIEW OF MARKESE:**

Claims 135-138 & 146 are rejected under 35 U.S.C. 102(b) as being anticipated by Trojan et al. (U.S. Patent 5,297,032) in view of Markese ("Can you trust mutual fund rankings?", by John Markese, Consumers Research Magazine, October 1993.)

**Re claim 135:** Trojan discloses:

An apparatus, which is capable of providing:

a database of stock trading transaction records, each stock trading transaction record including the following information:

- (i) an ID item associated with transaction [see Trojan, Figure 4, item 440]; and
- (ii) a particular stock associated with said stock trade; and
- (iii) transaction information concerning said stock trade [See Trojan, Figure 4, item 435, the Examiner is interpreting the claim as a system is capable of allowing the above user input and item 435 is user input].

Although Trojan has not explicitly state “numeric data values determined” Markese clearly shows determining numerical values and ranking. The examiner also sites official notice that user gather information to make their decision about purchasing of stock. It is a common practice for professional and novices to keep newspaper clipping, make mental notes of information told to them and even make rankings of information about a particular stock. In addition to individuals, corporations have complicated detailed systems for determining and ranking stocks.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Markese to Trojan.

It is clear that any system would be motivated to provide user transaction information to help assist users in making there stock pick and track their success.

**Re claim 136:** Trojan discloses:

The workstation, which is capable of providing:

a feedback interface providing an expected financial performance predicted based on said user buying/selling said particular stock. [see Trojan, Figure 4, item 450, the Examiner is interpreting the claim as a system is capable of providing any feedback and item 450 is a feedback loop]

**Re claim 137:** Trojan discloses:

The workstation, which is capable of providing:

A query interface is set up to includes a number of predefined subjective rationales, and/or a number of predefined technical indicators, and/or a number of predefined third party opinions, and/or a number of predefined sources of said subjective rationale, said technical

indicator, and/or said third party opinion to assist said user in locating said one or more stock transaction records. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 138:** Trojan discloses:

The workstation, which is capable of providing:

A query interface is customizable by said user to include user-defined query factors for retrieving said one or more stock transaction records. [See Trojan, Fig 4, item 435 an input device is capable of receiving such information]

**Re claim 146:** Trojan discloses:

Transaction information comprises a subjective rational, a technical indicator, a third party opinion, or a source of subjective rational, technical indicator or third part opinion. [See Trojan, Figure 4, item 435, the Examiner is interpreting the claim as a system is capable of allowing the above user input and item 435 is user input]

### ***Response to Arguments***

Applicant's arguments filed 5/24/2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1<sup>st</sup>: Trojan [does not] anticipate “placement of a first subjective information parameter along a range, the first subjective information parameter being associated with a first rationale for engaging in said transaction.” or “placement of the second subjective information parameter along the range, the second subjective information parameter being associated with a second rationale for engaging in said transaction.”

The Examiner refutes the argument made by the Applicant and draws the attention to Lozman, abstract, “selecting a primary and secondary symbol”

Applicants argued 2<sup>nd</sup>, Trojan [does not] anticipate “transaction information concerning said transaction, reflecting a placement of one or more subjective information parameters along a spectrum.” Or “one or more numeric data values determined by the processing device based on placement of one or more subjective information parameters along the spectrum.”

The Examiner refutes the argument made by the Applicant and draws the attention to Markese clearly shows determining numerical values and ranking based on the subjective information each data source (such as Barron’s) choices to employ. More specifically it is the intension of the article to highlight the differences in the subjective information chosen by the different data source firms.

Applicants argued 3<sup>rd</sup>, Trojan [does not] anticipate “placing a first (second) subjective information parameter associated with first (second) rationale for engaging in said transaction along a (the) range” or “storing the placement of the first subjective information parameter on the range relative to the placement of the second subjective information parameter along the range in the transaction record.”

The Examiner refutes the argument made by the Applicant and draws the attention to Lozman, Figure 3 for the placement along a range.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



ELLA COLBERT  
PRIMARY EXAMINER